

Minutes of a duly advertised Special Board Meeting held by the Town Board of the Town of Riverhead, at Riverhead Town Hall, Riverhead, New York, on Tuesday, June 30, 1987 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Victor Prusinowski, Councilman  
Louis Boschetti, Councilman  
Robert Pike, Councilman

Absent: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski, "The purpose of this gathering this evening is for the purpose of public hearings. However, we will later in the evening, convene the Special Meeting of the Town Board to consider six resolutions. Let the record show that the hour of 7:34 has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:35 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 7:35 p.m. to hear all interested persons regarding: The proposed amendment of the Town Code, Section 108-27(B), 108-34(B) and 108-39(B) by adding (5) regarding rolling or sliding security type grilles.

CORRESPONDENCE:

Anthony Tohill, 6/22/87/Havill's Jewelry

Observes that the municipality has no authority to curtail or eliminate security gates and arrangements of store fronts in his opinion. Urges that there be no adoption of any local law which causes adverse impacts upon his clients.

Supervisor Janoski, "Our Town Attorney who is on vacation, however, came down with an appendicitis attack and is enjoying his vacation in a hospital in North Carolina. In the absence of the Town Attorney, Brenda Filmanski from the Planning Department, will explain this proposal."

Brenda Filmanski, "This public hearing and the next one; 7:40 address the same topic of rolling grilles and doors. The proposal makes rolling grilles a specially permitted use in the business districts; business "A", "B", "C" and "D" and prohibits rolling doors. We believe that the rolling grilles and doors cause a conflict with the esthetic, visual and the perceived character of the shopping district. At the same time, we recognize the right of the business people to protect their businesses

PUBLIC HEARING ContinuedBRENDA FILMANSKI, Continued

and their inventories and this is the reason that we've used this method for controlling these devices by making the grille a special permit. The emphasis for that control is our strong belief that we have an obligation to protect the architectural integrity of the community. The Planning Board has recommended these additions to the Town Code."

Supervisor Janoski, "Thank you. Let us point out that this in no way, attempts to prohibit the use of rolling or sliding security type grilles. The thrust here is to give the Town Board the opportunity to address the question of esthetics and compatibility with the downtown area. Is there anyone who wishes to address the Town Board on this matter? Eddie. You have to come up here and please state your name and where you're from."

Edward Goodfield, Edward's Sport Center, "I own property down on East Main Street and Route 58 which is occupied by Edward's Sport Center. We have installed rolling gates recently and we installed them because of the constant break-ins that we had. And most merchants are not installing the grilles or rolling doors for any other reason than to protect their inventory and their premises. Now, to pass an ordinance restricting the use or controlling it or requiring them to get a special permit, is getting a little out of hand. I mean, you're getting a little too high handed in your governmental control. It's getting to a point where a businessman can't do anything without first getting the town or certain boards approval for doing things. He doesn't have anything. He's losing control of his business. And as far as esthetics go, most of the stores don't like the looks of them but they can't help themselves. And if they did not have these rolling grille doors and gates, they would be losing their shirt. Now, if the town is willing to come up and pay the insurance costs of the various businesses to maintain that esthetic value, it should be worth something to the town if the esthetics are so important that they dig into their pockets and reimburse the businessman for the losses that are incurred. So I think that you're getting to the point where your next move will be you're telling us what color to paint their buildings. It's that way now."

Supervisor Janoski, "Once again, we considered a number of mechanisms. One; was to go through a site plan procedure. Then we considered the special permit avenue. It appeared to us that the easiest way was a special permit. Because to go through a site plan procedure, you have to produce ten copies of a survey."

Edward Goodfield, "Yes, but the point is, the only type of grilles that can be installed. Either the solid door or the grille. Now, neither one of them are a thing of beauty. But the thing is, we're not looking for beauty. We're looking for protection. And if you can come up with a better looking protective device, we'd be all for it. But nobody has been able to come up with one."

PUBLIC HEARING Continued

Supervisor Janoski, "Well, that's the, as I said, what we're trying to do here."

Edward Goodfield, "What do you need a special permit for? There's only two types of grilles that can be utilized. It's either a grille or a solid door. Now, what do you need a special permit for? It's one or the other. And it's usually the preference of the merchant. Well, now most of them are getting away from the grilles because you know what happens with grilles? They back up to the grille with a truck, put a chain around a grille and rip the whole thing out. So that's why you're seeing so many solid doors instead of the grilles. So I'll venture to say that in the future, everyone that puts one up, put up a solid door. So what do you need a permit for. It's getting ridiculous. You are telling the guy you want to protect your property, you're going to have to come up to us and ask us permission to do so."

Supervisor Janoski, "Thank you Ed. Is there anyone else who wishes to address the Board on this question?"

Paul Villani, Havils Jewelers, "I just want to add that instead of talking about a permit for special gates and grilles, you should be addressing the fact that we keep reducing the size of the police force and that's part of the reason we have problems at night and that's part of the reason that we need the gates and grilles. If we had a larger police force instead of reducing the police force, then maybe we wouldn't need gates and grilles."

Supervisor Janoski, "Just as a matter of inquiry, how have we decreased the size of the police force?"

Paul Villani, "You've been taking them away from downtown and we've been putting them up on 58. We've been talking about, for the past year now, how instead of hiring more because we seem to be needing more and that's why we're getting the gates. That because of the budget, we can't afford more police. Well maybe if we had more police, maybe there would be less problems."

Supervisor Janoski, "I know of no diversion of police officers from downtown to Route 58."

Paul Villani, "Well, that's not what I'm aware of. Or let me rephrase it then. If we need more police, then maybe we should get more police."

Supervisor Janoski, "I can't argue with that. Did you want to ask him a question?"

Councilman Pike, "Sure. Paul, could you describe for the Board, I understand that it's fairly recently that you installed your security device, your experience before and after the installation of security gates."

PUBLIC HEARING Continued

Paul Villani, "Well, first of all, it's not that recent. I believe it's about five years ago. I don't really recall when. But prior to the installation of the gate, at least once every six months, we had somebody break the window during the middle of the night. At which, we were at a loss of about three to five thousand dollars per time. Or which was unrecoverable, we have a big deductible for the insurance. We had the glaziers that have to come in. The alarm people have to come in. And every single time they broke our glass, it cost us three to five thousand unrecoverable dollars. Now, they were doing it at least once every six months. And not only that, when they did it the last time, we got the gate within two weeks. Three days after we got the gate, they broke down Acards window and it was the first time his window was ever broken and they did it because we had the gate. And we're convinced (they'll never know) that like ours, would have been broken again. Now, we think the gate is ugly. We also went through an investment to do it. We don't like the gate either. But the fact is, we had to put up the gate and we haven't had a problem since."

Councilman Pike, "Thank you."

Supervisor Janoski, "Since the next hearing is on the same subject matter, why don't we open that hearing and let the two run concurrently. If the Town Clerk will read the public notice indicating....."

PUBLIC HEARING - 7:40 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 7:40 p.m. to hear all interested persons regarding: Amending Section 108-42(B) of the Town Code by adding (7) rolling or sliding security type grilles, subject to site plan review.

Supervisor Janoski, "Thank you. Ed, I'm not supposed to do this. Let me just check. Is there anyone else present who wishes to address the Board on the subject of the rolling or sliding type security grilles? Ok. I have to recognize the other people first."

Mrs. John McKasity, Aquebogue, "I just go here but anyway. On this rolling grille door business, I asked a local policeman what they thought of the idea. As far as being esthetically beautiful was concerned the solid door versus the grille type door. And the policeman said to me; really in the long run, is it going to make a difference. When it gets legalized with graffiti, neither one is going to look esthetically beautiful and that's all I have to say." Thank you."

Supervisor Janoski, "Thank you. Ann, did you have your hand up?"

PUBLIC HEARING Continued

Ann Miloski, Calverton, "I'm here to address the Board tonight on this security door business and I think that amendment is all wrong. In the first place, the businessmen have to have a security door because of the vandalism and his liability on his insurance is going to go up. Now, the people who want to look at this beautiful glass on the outside of the store, are they ready to pay the liability insurance for the businessman? And I don't see anything wrong with the security doors at all."

Councilman Prusinowski, "Ann, I don't know if you're aware. It was explained to you that the purpose of this proposal of the Board's is not to exclude or limit the use of these devices, just the appearance of them. In other words, there's no intent here whatsoever to not allow businesses to have security doors."

Ann Miloski, "Oh. The way I read it, I thought...."

Councilman Prusinowski, "And if that is the case, there's not much support for that. There is probably support up here to how they look."

Ann Miloski, "That I'll go along with."

Supervisor Janoski, "Thank you Ann. Is there anyone else?  
Ed."

Edward Goodfield, "I just wanted to point out something I forgot when I was up here the first time regarding insurance. If we don't put up security doors, we're going to lose insurance altogether."

Councilman Prusinowski, "Ed, I don't think anybody is trying to restrict security doors at all. I said that."

Edward Goodfield, "I just wanted to point that out. That after a number of break-ins, these companies will cancel your insurance and the rates will go sky high if you try to get it from anybody else. So you won't have any insurance."

Supervisor Janoski, "Thank you Ed. Is there anyone else present who wishes to address the Board on the matter of rolling sliding grille doors? That being the case and without objection, I declare hearing number one and hearing number two, closed."

7:30 AND 7:40 PUBLIC HEARING CLOSED AT 7:47

Supervisor Janoski, "Now we found ourselves in another situation where we have two or three minutes before the next public hearing. So we have to wait until 7:50. If anybody would like to chat about anything, I would invite you to take the microphone. Sid."

Sid Bail, Wading River, "I'd like to chat. I'd like to bring a couple of matters connected with the Wading River beach, couple of matters connected with the town beach. There is a potentially dangerous situation down at the town beach and it involves the guard-rail area. The town has moved it. They've taken out one section. But the parking lot remains unstriped and it's a chaotic situation."

PERSONAL APPEARANCES ContinuedSID BAIL, Continued

On a day like today, a warm day like today, I was told (I didn't see it) that there was a minor fender bender involving a town truck and a car within the parking lot. It's pretty chaotic getting in and out. It's a bad situation. And we were under the impression that it was going to be rectified."

Supervisor Janoski, "Charlie Bloss has agreed to stripe the parking lot. You have probably noticed that he has resurfaced the over flow parking lot. If you want, I will call him up tomorrow and say you have to do this right now. Of course he will tell me to go someplace but I will make the attempt to get him to do it."

Sid Bail, "I would like to have you call him up and tell him to have it done because it really is a danger. People are saying you're worried about liability. The second situation, is in regard to the creek and I know you folks have been moving on that. I've been reading about it. I heard about that. The question has come up about the boat ramp itself. Is it possible that the boat ramp could be constructed before the dredging permit?"

Supervisor Janoski, "No. The reconstruction of the boat ramp requires a permit from the D.E.C. which we will never see until next year. We met with the D.E.C. down on the site, I guess it was at least a month ago, and the some of the ideas we had suggested, they have rejected. What H2M, who is the consulting engineer on the reconstruction, has gotten from them is that they would accept a rebuilding in place with a shifting boat ramp to the direction of the creek. Instead of going in at a perpendicular angle, to go in at an angle almost parallel."

Sid Bail, "Ok. So the idea that L.I.L.C.O. might dredge the creek, is out this season?"

Supervisor Janoski, "No. No. There's two different questions. The reconstruction of the boat ramp is one thing. I would hope that L.I.L.C.O. would answer the question by the end of this week." Failing that, the Board has authorized the engaging of a private firm to do what we can with a drag line or a crane."

Sid Bail, "Thank you very much."

Councilman Lombardi, "Joe, are you saying we can't put no ramps down there at all?"

Supervisor Janoski, "I didn't say that."

Councilman Lombardi, "How about the wooden ramp. Can we put that down? How about the wooden one that we had there before until we could do something. We have a temporary permit on that one."

Supervisor Janoski, "That's not construction. That's just plopping down wood. Let the record show that the hour of 7:52 has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:50 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 7:50 p.m. to hear all interested persons regarding; Proposed Amendment to Section 108-58 of the Town Code Re: Permitted Uses of Front Yard.

CORRESPONDENCE:

Carmen Rottkamp, 6/27/87

Disagrees with not being permitted to display certain wares, vehicles or produce in front yards.

Supervisor Janoski, "Thank you. Brenda."

Brenda Filmanski, "The proposal is a revision to the Town Code not to allow, display, storage, assembly and the like of various items in front yards, landscaped areas and customer access points of businesses. It's my feeling that many people present here, believe that this applies to any and all businesses who currently display outdoors. And I would like to read a separate provision of the Town Code which refutes that and I hope that this will put their fear to rest. This is from Article XII of Chapter 108 which is the Zoning Code. Non-conforming buildings and uses; any buildings, structure or use existing on the effective date of this chapter (which is 1965) or any amendment thereto, may be continued. Although, such building, structure or use does not thereafter conform to the regulation of the district in which it is located and may thereafter be extended by special permit of this Town Board. And further, no non-conforming use may be re-established where such non-conforming use has been discontinued for a period of one year. However, as was pointed out to me by the Town Attorney, you can not best a right in an illegal non-conformity. Basically, what this proposal seeks to address is and most important, site plans. Even then, outdoor display may be permissible depending on the use if it is so indicated on the site plan. The Planning Board has recommended passage of this proposal."

Supervisor Janoski, "Thank you." Is there anyone present who wishes to address the Board on this proposal?"

Mr. O'Neil, O'Neil Lawnmower, "I would like to know from the Board here, what businesses they choose not to allow to display. It's obvious that you might have made up your mind on something. So I want to know...."

Supervisor Janoski, "We haven't made up our mind on anything. What we have here is a proposal. Do you understand these questions?"

Mr. O'Neil, "I understand the questions."

Councilman Prusinowski, "For example; it's new site plan businesses that we have approved over the last several years have not been allowed to display and arrange the total spectrum of products."

PUBLIC HEARING Continued

Mr. O'Neil, "In several years we'd be going from this date back (precisely) how many years?"

Councilman Prusinowski, "Since I've been on the Town Board, since '79 or '80. It could probably be prior to that. But as Brenda pointed out, unless you have a legal non-conforming use, in this particular case, this would not effect you should this be passed."

Supervisor Janoski, "Do you have a legal ability to display your lawnmowers in front of your building?"

Mr. O'Neil, "I don't know. According to the way you..."

Supervisor Janoski, "As a matter of fact, I notice there is a sign there that happens to be illegal."

Mr. O'Neil, "I happen to know the sign is legal. How's that one for you? It was the first one in the town to ever have a permit."

Councilman Prusinowski, "Yes, but I think you're zoned business there aren't you?"

Mr. O'Neil, "My mobile sign will have a clear reading the next time you pass it. But that mobile sign is also legal. If you choose to remove that sign, you might as well remove everything off of every single road, church and building."

Councilman Prusinowski, "We're not here to talk about the signs. We're talking about the display."

Mr. O'Neil, "The display, that's correct."

Councilman Prusinowski, "And that is exactly what has happened."

Mr. O'Neil, "So what I would like to know is how many years back are you going to pursue certain businessmen? I would say that I'm pretty much one of the oldest there."

Councilman Prusinowski, "Brenda just read that clause back to whenever zoning started. As long as you have a legal conforming use. But that was pre-existing to these prior new amendments."

Mr. O'Neil, "Well, I don't think any businesses on the North Fork were prior to 1965. Not even the ones that are displaying right now."

Supervisor Janoski, "For example, a car dealership."

Mr. O'Neil, "There's a lot of them. Aquebogue, Jamesport."

Supervisor Janoski, "In the Town of Riverhead. A car dealership does not, by fact of their existance, have the right to display their vehicles outside. That is an accessory use."

PUBLIC HEARING Continued

Mr. O'Neil, "You have to take all the new places. Like, we'll say Herb Obser which is on Route 58 and tell them they can't display outside."

Supervisor Janoski, "Absolutely not. What I'm pointing out is that it is not an inherent right of a business to display their goods outside. What this tries to do is simply this; that the Town Board presently goes through a great deal of trouble reviewing what we call the site plan which includes the architecture, the landscaping, the layout where the parking is, the setbacks and everything included with the development. And it makes little sense, perhaps, to go through that trouble and then have goods for sale on display between that landscaping. It's kind of schlocky."

Mr. O'Neil, "That's your opinion. We happen to have bought that property. We happened to have paid the taxes on that property. And we happened to have made the investment which you have never made. And who are you to tell people that they can't use these properties?"

Supervisor Janoski, "Well, it's only a proposal. We may not."

Mr. O'Neil, "Very good."

Councilman Prusinowski, "Just to clear this up. This specific area that we...."

MR. O'NEIL AND COUNCILMAN PRUSINOWSKI SPEAKING SIMULTANEOUSLY  
CREATING AN UNDECIPHERABLE CONVERSATION.

Councilman Prusinowski, "No. We're not trying to austrianize anything. And quite honestly, the overwhelming view in the town, if I want to be political about this, is against this kind of stuff. Because everywhere I go, people are worried about the west end smothering over Riverhead. So if you're in business in town, I would not go around saying that because it's going to hurt your business. Secondly, what I'm just trying to explain to you what the proposal is and what we don't allow now, is that on landscaped areas which are probably 10 to 25 feet in front of the business, there are other areas that are allowed for display of wares. That's approved in the site plan."

Mr. O'Neil, "What I'm trying to find out from you is what are the specific places that you choose to pursue on this. Have you made up your mind on exactly?"

Councilman Prusinowski, "Not specifically. You're talking about businesses to go after that's doing it now. Brenda just read you that clause that if you have a conforming use, you don't have a problem and it's pre-existing."

Supervisor Janoski, "Is it your opinion, and we're just discussing, that a gentleman or whatever goes into business selling carpeting, they should be able to stack up that carpeting outside of their business?"

PUBLIC HEARING Continued

Mr. O'Neil, "I personally, don't like to see any town go after any individual. Because after you get somebody you don't like, when is it going to be my turn? Years ago we had this. I think it was in 1934 we had some dude who did that once. In 1945 they finally got him out. I want to know to what degree is it going to take to stop you from pursuing the small business people who happen to support this town and I don't like that."

Supervisor Janoski, "No argument."

Mr. O'Neil, "No argument."

Supervisor Janoski, "To what you said."

Mr. O'Neil, "That's it then."

Supervisor Janoski, "Thank you. Yes, Eddie."

Edward Goodfield, "As I mentioned earlier, I think this is another example of government overstepping their powers. I don't think that any government has the right to tell a businessman how he should display or where he should display his merchandise. He's paying taxes on that land and on the building and on the property and he should have the right to utilize them the way he wants. Now you may not like the guy who is displaying carpets outside his place of business but he may have a definite reason for doing so. And it's not your right as an individual or as an officer of the government to convey your ideas. In other words, force your ideas on somebody else and make them conform to your ideas of how the things should look. If this was to go on, everybody would have to be wearing the same clothes. Everybody would have to be driving the same cars and all the houses would have to look alike. And as I mentioned years ago when we got into this sign ordinance business, there was an effort on the part of certain people in the government in your town to try and make everything uniform. We don't want to be uniformed. We want all these buildings, each man wants to stand out from the other. He wants his wares and his place of business to stand out from the others to attract the customer. And I've said for years, I don't want to look like everybody else. I want to stand out from everybody else. And if you start making rules and regulations such as this, you're going to restrict the way the man can conduct his business. Now, you said you're going to leave people that are pre-existing uses to continue on. And I don't think that's fair to restrict people that are coming and building. You're going to have a mish mash of rules and regulations. You're going to say you were here for years and you've been doing it and you can do it. But you newcomers, you can't do it. Well, the newcomers are actually going to be paying higher taxes than the guys that are here for a while because the building costs are so much greater today than they were then. So, the new guy is going to be paying more and getting less for his money. So, I think if you're going to restrict the use of the front yard and as I've said, we went through this years ago. I did before, not this Town Board, the Riverhead Town Board when they tried to push a restricted use of the front yard bill in the zoning ordinances and I said then and I'll say it again. If you're going to restrict a person's use

PUBLIC HEARING ContinuedEdward Goodfield, Continued

of his front yard, then you might as well take it off his taxroll. Because if he can't use it, what the h--- good is it to watch him keep paying taxes on it."

Supervisor Janoski, "Thank you."

Fay Anderson, Riverhead, "We have a farmstand on Route 58. I don't think you're being very specific in what you're saying. Because even though previously, we have sold vegetables off the pick-up, we then moved the farmstand around 1972 or whatever to the corner where we are now. Now, if somebody wanted to push this issue, it sounds like we wouldn't be able to park the trailer or the pumpkins or melons or whatever in the yard on the farmstand. Because technically, it's 50 feet (I believe the business line there is 50 feet) and we can sell more produce off of a trailer. If you have a farmstand in the Fall time without a load of pumpkins, it's like having a beach without sand. And that's what sells produce and I've heard a lot of static all year about farming, keeping agriculture in town, nurseries, etc. What are you going to do with Bittersweet Nursery? Think about it. You're going to tell them they have to move their stuff in the back. And if you push this issue for one regardless of the type of business it is, somebody could make you push it for somebody else which includes us. And they're going to tell us; ok, put your pumpkins in the woods or put your melons in the woods."

Supervisor Janoski, "Well, Bittersweet Nursery is a great example because it calls into to play a number of other considerations. Bittersweet is a pre-existing use. Ok. They don't conform in a number of ways. They do, as a matter of their business, display their goods outside because they grow outside. But they don't conform for example, in the area of parking, let's say. I think we can both agree that their parking is not a very desirable situation."

Fay Anderson, "Well, they now have made parking around the side since they cleared that other lot."

Supervisor Janoski, "Well, that's what I'm saying. That it is a pre-existing use. And therefore, this does not address it because we now have in place, rules and regulations that if they open Bittersweet today, that they will not be able to..."

Fay Anderson, "Ok. This is my question because it was Frank's boss before. When Bittersweet took it over, wasn't that actually as a new business or was that still covered under Bittersweet?"

Supervisor Janoski, "Pre-existing. Continuation of a pre-existing use."

Fay Anderson, "Ok. I have one more comment about the cars on Route 58 because I don't see visually, any difference between the car lots on Route 58 or Waldbaum's Shopping Center on a Saturday. They look the same. The cars may not be for sale but they look exactly the same."

PUBLIC HEARING Continued

Supervisor Janoski, "That's not entirely true. In Waldbaums shopping, in their parking lot is where their cars are. And I will point out that there are a number of dealers who do an excellent job as far as their place of business. Herb Obser on the corner of Osborn and 58 (for example) has a beautiful landscaped area. I think his business is conducted in good taste. However, I see some things happening on Route 58 which are not acceptable."

Fay Anderson, "Ok. But what I'm saying is you're ordinance is not being specific enough because Sargent's Recreational Center for example, was started after you're talking about pre-existing businesses. And what I'm saying is, that you change things for one and that person pushes it. Everybody; it could be the Honda place, it could be Sargents, it could be every place down the line. If somebody pushes it, how can you say; no they are excluded unless you have something to exclude them. If you want to start that ordinance today, that's one thing."

Councilman Prusinowski, "So you're definitely against this proposal?"

Fay Anderson, "I'm against it as it stands now because I don't believe you have any way of determining."

Councilman Prusinowski, "It's not clear."

Fay Anderson, "No, it's not."

Supervisor Janoski, "Well, that's the purpose of these hearings. Is there anyone else who wishes to address the Board on this matter? Hang on for a moment. If you would hang on for a moment. Let's recess this hearing. Let the record show that the hour of 8:10 p.m. has arrived and we can open up the next public hearing and let them run concurrently."

Dick Cantwell, Jamesport, "Good evening. I came in response to this proposed ordinance and to voice my total opposition to it. I'm a little disappointed at the turnout. And I think that if it was publicized a little bit more and people knew the intent of this, you would have a lot more people coming up here trying to find out what this is all about. If you could explain who were the architects of this was and why they felt we needed this, we don't already have enough zoning regulations to protect against what you fear? The man with the carpeting outside, etc. Because next is a dress code. I can just see it coming. We're having all of our rights picked away at and eroded. And like the gentleman said before, you pick on one guy, you isolate him. Everybody else says; well gee that's not my problem. It's his problem."

Supervisor Janoski, "Mr. Cantwell, what is your business?"

Dick Cantwell, "What is my business? I'm in the nursery business. I sell retail. I have that visual blight in front my store. You think this is funny. We have to make our living this way and support our children and pay our taxes to support this. This visual blight that you talk about, is what attracts all the people out there."

PUBLIC HEARING Continued

Councilman Prusinowski, "Mr. Cantwell, you deserve an explanation and I'll give it to you. The reason this thing was prompted because there was a concern that some car dealers on Route 58, we're displaying automobiles in the landscaped part of their property. On new site plans, we do not allow new businesses allow products on their landscaped areas. We designate 25 feet or 10 feet in front of the store. Like Video Breakthrough's area or some new site plans we approved. I say right off hand. So as part of that, that's where this emanated from. It was not intended, I believe and I may be speaking out of turn, to go after a guy like you. You have a beautiful place there. It's an asset to the community. It's been there for 15 20... Ever since I can remember growing up in Jamesport. So we don't think it's a laughing matter. Sometimes we laugh because sometimes you take one proposal and it gets blown out of proportion by everybody that's involved and I agree with you on that."

Dick Cantwell, "Why don't you just amend the law that you have pertaining to the areas that you're concerned with and amend that? And say; look... You probably already did if you dig into your rules and regulations, you probably have the ammunition that you need."

Supervisor Janoski, "I think you would agree Mr. Cantwell, as a person who is involved in landscaping, that seems to be your business, that if the town in its business development promotes the creation of landscaped areas, that they should be used as that and not a display area."

Dick Cantwell, "Ok. But we don't need a totally new ordinance that can be zeroed in on people who are trying to put things out to make a living."

Supervisor Janoski, "Mr. Cantwell, I will say it. This is a revision of an existing one and that's why we're having this hearing so that we can get input like this and see what..."

Dick Cantwell, "I hope you get a lot of flack."

Supervisor Janoski, "I will be happy to say let's forget it and...."

Array of voices from the audience, "I'll vote on that."

Supervisor Janoski, "It would save time. When things get out of control, I don't want to hear that either. Is there anyone else who wishes to address the Board on this proposal. Jane."

Mrs. John McKasity, "Everybody in the room is confused here. We get a clause read to us about ten minutes ago. Nobody knew or nobody really thought about it before we came here. I am acquainted with the ordinance enforcer in the township of Southampton. And that person at this time, is involved with enforcing the ordinance they have on farmstands and temporary signs and setbacks of those temporary signs. We have a person that works for the township of Southampton that runs a farmstand and lives there."

PUBLIC HEARING ContinuedMrs. John McKasity, Continued

And we have a person that does not live in the township of Southampton that runs a farmstand in that township. The enforcer of the ordinance has to go there and play "potsy" between the two of them. Now, I talked to the ordinance enforcer and I said and I said; you ran a garage for 32 years. Now you're enforcing the code. In my opinion, the township of Southampton, I mean Riverhead wants things to look beautiful without having too much of a display in the front yard area. What do you think? And the ordinance enforcement person replied; it could never fly. Now, this is all we said to each other. So the person who is looking at it from the private person in business viewpoint as well as someone wearing the other hat. I don't know. I got this sent to me and I read it for a month until now. I passed it around to a lot of people. It's no secret. Nobody that I spoke with that's in business now, agrees with this. And I just don't think.... I think it's taking people's rights away and I don't think that's right and that's all I have to say. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to speak to the Board on this matter? In that case and without objection, I declare the hearing closed. Let the record show that the hour of 8:15 has arrived. The Town Clerk will please read the notice of public hearing."

7:55 PUBLIC HEARING CLOSED AT 8:15

PUBLIC HEARING - 8:00 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 8:00 p.m. to hear all interested persons regarding: Deleting Section 108-64.1(B) and adding a new Section 108-64.1(B) regarding "Trees" and amending Section 108-64.1(D).

Brenda Filmanski, "Section (B) as it is proposed and rewritten, would allow a site plan applicant to landscape his or her project in a style more open in character than the current linear application of trees, etc. that the code requires. It benefits the appearance of commercial enterprise and the visual character of the community as well. Architectural landscaping is something that this might be called. It allows for more naturalized grouping of trees and landscaping on the site. Section (D); reduces the square footage of a building from 25,000 to 10,000 square feet before the landscaped islands are required in the paved areas."

Supervisor Janoski, "The code presently calls out for buffer areas and says specifically that trees must be planted 20 foot off center which means that each tree will be the same distance apart as it goes along the boundary of the particular piece of property of business development. What is being suggested here is that there is perhaps a more phasing approach to the planting of buffer areas which might be a grouping of trees into an architectural (if you will) concept but a more natural planting of the trees. The second part is simple what has been explained. That right now the code

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

calls out for landscaped islands in a parking lot at 25,000 square foot for the building and the proposal is to reduce that down to 10,000 square feet where that is required. Is there anyone present wishing to address the Board on that proposal? That being the case and without objection, I declare the hearing closed."

8:00 PUBLIC HEARING CLOSED AT 8:17

Supervisor Janoski, "Let the record show that the hour of 8:17 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:10 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 8:10 p.m. to hear all interested persons regarding: Amending Section 108-114(D) of the Town Code.

Supervisor Janoski, "Thank you."

Brenda Filmanski, "In conjunction with the previous hearing; this would coordinate that provision (D); the landscaped islands with those that are required in the business "PB" zoning use district. It's called out specifically in "PB" and this would coordinate the two requirements. I failed to mention earlier that the Planning Board has recommended passage of the previous two as well as this proposal."

Supervisor Janoski, "This addresses the same subject matter in the "PB" district. Is there anyone present who wishes to address the Board on this proposal? That being the case and without objection, I declare the hearing closed."

8:10 PUBLIC HEARING CLOSED AT 8:18

Supervisor Janoski, "Ok. Let the record show that... We can't do it yet. It's not 8:20."

Mrs. McKasity, "In regards to the permitted uses of front yards; someone mentioned to me today about a state law. If you live on a state road, state law number 32 says; that produce can not be regulated in any way because you live on a state road. Does anybody know anything about that? Mr. Pike, you're an attorney. Do you know anything about that?"

Councilman Pike, "When you say produce, you're talking about local grown on site produce?"

Mrs. John McKasity, "Yes. This person was talking about someone stopped. They grow Autumn vegetables which they display only in the Autumn. And someone came up to them that lived in the area, I guess is acquainted with the codes. And said, you

6/30/87

PUBLIC HEARING Continued

Mrs. John McKasity, Continued

don't have to worry about anything because you live on a state road. State law 32~~-----~~ says that. I don't know."

Councilman Pike, "In answer to your question, I have not heard of this. The generalized question of farm products and them being allowed, they almost enjoy a protected status under the town zoning code as it is. And some of the other things we are working on; the farmer's bill of rights would even further protect those. I don't think there are any sort of farm related agricultural production product is in trouble of not being allowed to displayed. I mean, it's grown by the road. In fact, it can be sold on a retail basis as long as 60% of it is grown on site. Just about everything we're doing would protect that. If this is also protection that they would be afforded, I'd love to know about it."

Mrs. John McKasity, "Well, should you find out? Could somebody find out about this? I mean, I just heard...."

Councilman Pike, "There's a lot of state laws. I've got a whole wall full of them."

Mrs. John McKasity, "State law 32. I heard this at 8 o'clock on Main Street in Jamesport this morning. But it's interesting. You see a lot of people are afraid that big farmstand "A" is going to go and say; I don't like this, you're doing this."

Councilman Prusinowski, "You know something, if it's not a state law, I think our Assemblymen and State Senators should make it state law."

Mrs. John McKasity, "Very good."

Councilman Prusinowski, "It's a great idea."

Mrs. John McKasity, "Thank you."

Supervisor Janoski, "Alright. Let the record show that the hour of 8:22 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:20.p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 8:20 p.m. to hear all interested persons regarding: Amending Section 108-119(C) of the Town Code.

Brenda Filmanski, "Again, this proposal would coordinate with the prior proposal; 108-64.1(D) regarding the landscaped islands. This refers to landscaped islands required in the residence "RC" or retirement community which also has a separate provisions for those landscaped islands. The Planning Board has recommended the passage of this amendment as well."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. The same subject matter, different zoning. It's an overlay zone which addresses the question of landscaped islands. Is there anyone present who wishes to address the Board on this proposal? That being the case and without objection, I declare the hearing closed."

8:20 PUBLIC HEARING CLOSED AT 8:23

Supervisor Janoski, "There are a few minutes remaining until the next public hearing. So we might take up some of the resolutions."

RESOLUTIONS

#435 AUTHORIZES EMERGENCY FUNDING FOR RIVERHEAD WATER DISTRICT.  
(See Water District Minutes)

#436 APPROVES SITE PLAN OF LYNCH HOMES, INC.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, a site plan and elevations were submitted by Lynch Homes, Inc. for the construction of four (4) model homes to be located at Old Country Road, Riverhead, New York; and

WHEREAS, the Planning Department has reviewed the site plan dated December 6, 1986, as prepared by Young & Young, Licensed Land Surveyors, and elevations dated July, 1986, as prepared by William Milligan, Architectural Designer, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned, dated December 6, 1986 and July, 1986, respectively, and submitted by Young & Young and William Milligan, respectively; and

WHEREAS, the applicant submitted an application to the Riverhead Zoning Board of Appeals for an interpretation and/or variance as to whether the erection of model homes on the subject premises is permitted; and

WHEREAS, by Appeal #87-48 dated March 31, 1987, the Zoning Board of Appeals made its determination that the use of the subject premises for the erection of model homes is a permitted use and a Type II application with no environmental significance.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Lynch Homes, Inc. for the construction of four (4) model homes to be located at Old Country Road, Riverhead, New York, site plan dated December 6, 1986, as prepared by Young & Young, Licensed Land Surveyors, and elevations dated July, 1986, as prepared by William Milligan, Architectural Designer, be and are hereby approved, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times be complied with by the owner of the property covered by this site plan;

RESOLUTIONS Continued

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property, that all signage so proposed shall be coordinated in appearance and design, that flashing or moving signs, all banners, ribbons, pennants, streamers or other moving, fluttering or revolving devices or those signs which give the appearance of moving, fluttering or revolving shall be prohibited, and that all provisions of Section 108-56 of the Code of the Town of Riverhead shall be complied with;

4. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code, and asphalt paving of the entire right-of-way prior to the sale or use of the subject property as stipulated by the Planning Board in its approval of the subdivision;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped pursuant to State and Federal law shall be provided that and each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Lynch Homes, Inc. hereby authorizes the Town of Riverhead to enter premises at Old Country Road, Riverhead, New York, to enforce said handicapped parking regulations;

9. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways.

10. That a landscape plan and schedule shall be submitted to the Town Board for its approval and that the structures and any and all landscaped and paved areas shall be regularly maintained in an orderly, continuous and professional manner and kept free of weeds and litter and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. No model shall be used as a residence or office at any time;

12. After five (5) years from the date hereof (July 7, 1992) the models shall be removed from the subject premises. The applicant shall have the right to apply for another five-year period of it it still selling the same models;

RESOLUTIONS Continued

13. Notwithstanding anything contained in Paragraph 11 herein, the applicant shall sign a consent order in a form approved by the Town Attorney granting the Town of Riverhead, its agents, successors, assigns or designees, the right to enter upon the subject premises to remove said structures from the property; and be it further;

14. The applicant shall post a bond in the amount of \$12,000.00 for the demolition of the models, or a bond of \$40,000. if the models are to be otherwise removed.

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Lynch Homes, Inc. the Riverhead Planning Department and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the \_\_\_\_\_ day of July, 1987, by Lynch Homes, Inc., a domestic corporation with offices at 321 County Rd. 39A, Southampton, New York, 11968, Declarant.

WHEREAS, Declarant is the owner of a certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property, that all signage so proposed shall be coordinated in appearance and design, that flashing or moving signs, all banners, ribbons, pennants, streamers or other moving, fluttering or revolving devices or those signs which give the appearance of moving, fluttering or revolving shall be prohibited and that all provisions of Section 108-56 of the Code of the Town of Riverhead shall be complied with;

RESOLUTIONS Continued

3. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

4. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, be maintained at the premises;

5. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code, and asphalt paving of the entire right-of-way prior to the sale or use of the subject property as stipulated by the Planning Board in its approval of the subdivision;

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

7. That adequate parking for the handicapped pursuant to State and Federal law shall be provided that and each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Lynch Homes, Inc. hereby authorizes the Town of Riverhead to enter premises at Old Country Road, Riverhead, New York, to enforce said handicapped parking regulations;

8. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. That a landscape plan and schedule shall be submitted to the Town Board for its approval and that the structures and any and all landscaped and paved areas shall be regularly maintained in an orderly, continuous and professional manner and kept free of weeds and litter and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. No model shall be used as a residence or office at any time.

12. After five (5) years from the date hereof (July 7, 1992), the models shall be removed from the subject premises. The applicant shall have the right to apply for another five-year period if it is still selling the same models;

13. Notwithstanding anything contained in Paragraph 11 herein, the applicant shall sign a consent order in a form approved by the Town Attorney granting the Town of Riverhead, its agents, successors, assigns or designees, the right to enter upon the subject premises to remove said structures from the property; and be it further

14. The applicant shall post a bond in the amount of \$12,000.00 for the demolition of the models or a bond of \$40,000.00 if the models are to be otherwise removed;

RESOLUTIONS Continued

Declarant has hereunto set his hand and seal the day and year above first written.

LYNCH HOMES, INC.

---

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On this \_\_\_\_\_ day of June, 1987, before me personally came \_\_\_\_\_ of LYNCH HOMES, INC., the owner of certain real property located at Old Country Road, Riverhead, New York, the subject property of the declaration and covenant and understands the contents thereof; and that he did swear to me that he executed the same.

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NOTARY PUBLIC

The vote, Boschetti, yes, Pike, no,, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#437 AUTHORIZES A PRELIMINARY EVALUATION OF THE RESTORATION OF THE SUFFOLK THEATRE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, the Riverhead Town Board authorizes REA Enterprises to conduct a preliminary evaluation of the restoration of the Suffolk Theatre, Riverhead, New York.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#438 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO SECTION 101-10 OF THE RIVERHEAD TOWN CODE.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending Section 101-10 of the Riverhead Town Code.

RESOLUTIONS ContinuedPUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 21st day of July, 1987, at 7:55 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Section 101-10 Parking Prohibited, of the Riverhead Town Code by adding the following:

Street	Side	Location
<u>East Main Street</u> <u>(N.Y.S. Route 25)</u>	<u>North</u>	<u>From the curb cut beginning at a point at the westerly side of the easterly-most entrance/exit driveway of the Riverhead Town Hall to Fishel Avenue.</u>

\*broken line represents deletion

\*underscore represents addition.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#439 DECLARES JULY 11TH, 1987 "OPEN YOUR HEART TO WITOLD WROBLEWSKI DAY".

Councilman Boschetti offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, Witold Wroblewski came to the shores of America from his mother country of Poland seeking not personal enrichment but the opportunity which would allow his only son the ability to walk; and

WHEREAS, Witold Wroblewski in the tradition of our forefathers and those many immigrants from around the world who populated these shores and who, in the tradition of their homeland, provided a work ethic that has been a mainstay of this community throughout its history; and

WHEREAS, in the performance of his endeavors Witold Wroblewski was the victim of a shameful and despicable act upon his person which left him temporarily incapacitated and in need of hospitalization but which did not deter him from his goal that he had set for himself.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead pauses in its deliberations and declares July 11th, 1987 to be "Open Your Heart to Witold Wroblewski Day" in the Town of Riverhead; and

BE IT FURTHER RESOLVED, we urge our fellow citizens of the Town of Riverhead to support WRIV's radiothon sponsored by the Polish Town Civic Association and to speak out against such mindless violence; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a suitably embossed copy of this resolution to Witold Wroblewski and a certified copy to radion station WRIV and the Polish Town Civic Association.

RESOLUTIONS Continued

Councilman Pike, "Some of you may know that three and a half weeks ago I was contacted by the Riverhead Savings Bank to assist with Witold's situation and it is a complicated one. One of the reoccurring questions that I get asked is; how is he doing? How is his son doing? Since I had a few people here and I wanted to kill a few birds with one stone, I thought I might bring some of you up to date. Witold was shot on the morning of June 4th. He has made, since that time, a remarkable recovery considering he took a shotgun blast right in the jaw and lost the entire lower structure of his jaw and face and teeth and hearing. He did manage to keep most of his skin. And after a great deal of surgery, he's in relatively healthy and presentable form. The major question is the survival of his left eye and the amount of surgery it will take to reconstruct his jaw. It's estimated that it's going to take two major reconstructive surgery operations to reconstruct the jaw. But at the end of that time, a year and a half, that he will regain the ability to eat and converse normally. I've met him several times. And the reason I will abstain here is that I have donated my services as his attorney. I am his attorney. So I have a direct interest in advocating his position. I would tell you that throughout the entire experience I've had with him, his primary concern has been remaining, and always been, getting his son well. And his son, Witek is currently staying in Poland with his mother Dilethea. And with the assistance of all sorts of people, including the Hospital, the Savings Bank, Congressman Hochbrueckner, Senator LaValle is even getting involved. We have been assured that he has been invited by the Hospital, the son and the mother have been invited into this country. The son's basic problem is that he can not walk. What the exact details of that are not medically certain now. It is conceivable that it is not treatable. But basically, we have arranged through Pan Am Airlines to fly them into this country. They graciously donated the tickets. It is... She has a passport. The son, the only thing holding them up coming into the country, is Witek obtaining a passport. There are visas signed and waiting for them at the American Consulat in Warsaw and tickets waiting at the airport. I am hopeful, that sometime tomorrow we will be able to announce that he is coming in sometime within the next two weeks, possibly within the next three days. He will be taken to the University Hospital at Stony Brook and examined by the doctors there. I should also say that the outpouring of support has been enormous. For example; the Shriner Childrens Hospital in Philadelphia has called us and said to us; we don't care what the son's problem is. We would like to take him and help him as best we can. And as you may know, the Shriners do not take money for any of their patients. So they would not be doing anything other than they normal do should they take Witek. We again, do not know what their son's particular problem is. We did also make arrangements to fly some medical reports into the country. They are not yet medically certain as to what his problem is and need to bring him into the country. There are things that have been done. We arranged for a number of housing options for Witold and his family and we're hopeful that in the very near future, that there will be a reunion. So that at least the family can get together and start working on rebuilding a fairly shattered family. The outpouring of support has been enormous. And today, as of about noon today, simply by telling the story to the newspapers and the television stations, and to the wire services, we've

RESOLUTIONS ContinuedCouncilman Pike, Continued

raised over 73 thousand dollars in two and a half, three weeks. So that this country has decided to dust these folks off as best we can and put them back on their two feet and allow to exercise their right in this country, to do as they please which might be to go home to their family and friends who currently live in Poland. And so, I will abstain on this but I very very much support it."

The vote, Boschetti, yes, Pike, abstain, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly adopted by Acclamation.

#440 CONGRATULATES NORMAN SCHNEIDER - SUPREME GOVERNOR OF THE LOYAL ORDER OF MOOSE.

Councilman Pike offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Loyal Order of Moose, an organization dedicated to community service, held its 99th annual convention on May 28, 1987; and

WHEREAS, NORMAN SCHNEIDER was elected Supreme Governor of the Loyal Order of Moose -- the highest elected office in the fraternal organization of more than 1.75 million members in the United States, Canada and Great Britain -- has been held by only four other New Yorkers and never by an individual from the East End of Long Island; and

WHEREAS, in his rise to the pinnacle of the International Moose order, he was active in all phases of the organization's programs, serving previously as Justice of the Forum, Mooseheart Governor, Supreme Council Member, Supreme Prelate and, most recently, as Supreme Junior Governor in 1986 and 1987.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to forward a suitably embossed copy of this resolution to Norman Schneider.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly adopted by Acclamation.

TAPE RECORDER MALFUNCTIONS AND FAILS TO RECORD THE FOLLOWING REMARKS. THEREFORE, THE BEGINNING OF THE 8:30 PUBLIC HEARING IS NOT VERBATIM.

PUBLIC HEARING - 8:30 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 8:30 p.m. to hear all interested persons regarding: Amending Section 108-56, "Signs".

Supervisor Janoski, Thank you. Brenda would you please.

PUBLIC HEARING Continued

Brenda Filmanski, Explains the purpose of the proposal is to replace the entire section of the zoning code as it pertains to signs, with a newly revised section created by the Planning Department. To be specific, the new sign ordinance would reduce the size of the signs allowed in certain districts of the town. It also addresses the placement of signs on the property and prohibits the use of interior lit signs on a property. The new sign ordinance would address all zoning districts within the town.

Ann Miloski, Would like a clarification as to the replacement of the entire current sign ordinance with a new one. Also feels that the business community (as they are the ones effected) should be made aware of the changes to be made. She questions if the old ordinance was researched and remembers when it went into effect.

Councilman Lombardi, Points out that current sign ordinance went into effect in 1977.

Ann Miloski, She questions Brenda Filmanski as to whether the new proposal will have a grandfather clause and would like it explained.

Supervisor Janoski, The grandfather clause would suggest that if you have a sign currently, it's not affected by new ordinance. If you replace it, the new regulations would apply and you would have to comply with them.

Mr. O'Neil, I currently have a portable sign on the Main Road in Jamesport. Would that sign be illegal?

Supervisor Janoski, If it's legal today, it will be okay.

Councilman Pike, If your sign was legal originally and you continued to use it for at least one year, it's allowed as a non-conforming use under the new code.

Stanley Hagler, Would the sign be effected if you were to change the colors of it?

Supervisor Janoski, That is considered maintenance.

Jim Fenton, Jamesport, The current code seems to be working and is fair. Why are we revising it?

Supervisor Janoski, It seems to be with the problem of getting a permit thru.

Jim Fenton, It takes approximately two to three weeks.

Supervisor Janoski, What is the turn around time in other towns?

Jim Fenton, It's a little tougher than Southold but it seems to be across the board as far as cut in size where business is located on high speed roads.

PUBLIC HEARING Continued

Councilman Pike, Where is there a community area where there is high speed?

Jim Fenton, Anywhere with 55mph.

Councilman Prusinowski, Calverton, on Route 58 on Friday, they have plenty of time to read signs.

Supervisor Janoski, By controlling signs, you can make them more visible. Do you charge by the square foot when you make a sign or is a flat fee depending on the detailing of the sign?

Councilman Prusinowski, I think we all realize that the visibility and placement of signs are important to the business.

Jim Fenton, Who would be the controlling hand as far as the color and design?

Supervisor Janoski, That would be the Town Board.

Jim Fenton, You know Neptune Diner has a new sign.

Supervisor Janoski, The first one was disapproved.

Edward Goodfield, Mr. Pike speaks with forked tongue and I find it very confusing.

Councilman Pike, That accusation requires some thought. Should owner of drug store display wares. The authority for that comes from supreme court cases and their decisions. This sort of regulation is not conformity but quality.

Richard Cantwell, Jamesport, As a businessman, we don't want additional regulations.

Stanley Hagler, I'm grandfathered under this new proposal. Has the same effort gone into the revision of this as was apparent in the original sign ordinance? Was Vision, Inc. contacted or consulted when the writers of this decided it needed to be revised?

Supervisor Janoski, No.

Stanley Hagler, I don't really think that the average layperson is suitably capable of doing this. The first sign ordinance was written with the help of an outside expert and I think the same consideration should be given to the revision of it.

Councilman Prusinowski, We don't have the answers to specific questions. The sign ordinance has had a positive effect on the community since its inception. The property values have increased, more business has located in the town. Business has never been better. Perhaps we should have Townscape or another appropriate organization look over the new proposal and offer their criticism and recommendations and ideas before we actually vote on this.

PUBLIC HEARING Continued

Stanley Hagler, I think you should get consulting help if not for review purposes but at least an outside opinion.

Councilman Lombardi, Stan, what's your opinion on signs as they are now?

Stanley Hagler, For the most part, I think a good percentage of them are great.

Barry Wedel, Wedel Sign Co., I offered to assist in the revision of this new ordinance when I first discovered that it was under consideration for revision. I felt that the old ordinance is adequate and there is no need to reduce the size or setbacks. The size; 32 square feet is fine.

Supervisor Janoski, Is the size reduction as spelled out in the new ordinance your main objection?

Barry Wedel, To a point. I have other problems with it. The reduction now is fifty percent. I'd like to know who picked the numbers.

Supervisor Janoski, You're objecting to the reduction in size of the sign.

Barry Wedel, Yes. I don't think there's any problem with the old ordinance as far as the size of a sign. I think the problem is with the amount of time it takes to get a sign permit. It takes two to three weeks to obtain a sign permit. Perhaps that is where the revision is needed. I am still willing to offer my help if you wish to further review and discuss this.

THE TAPE BEGAN TO FUNCTION AND THE REMAINDER OF THE PUBLIC HEARING AND TOWN BOARD MEETING WILL BE VERBATIM

PUBLIC HEARING Continued

Councilman Prusinowski, "You're a businessman. You've got to be tougher. I know what you go through and I know what businesses go through here. And I'll tell you something, we are a little tough in Riverhead because we want the town to look nice. And you know, it's a tough situation because one group is out there and they say; you're too easy. And you know what you go through to get a permit. But the main question I have is because I did read the ordinance and there is a reduction in the square foot and that's really the debate tonight. Is that appropriate and maybe you can...."

Barry Wedel, "Well, if you're going to put forth a whole new ordinance, let's do it the right way. And I still will volunteer my help to help you guys write the right thing because this is not."

Councilman Prusinowski, "Fifty square feet?"

COUNCILMAN PRUSINOWSKI AND BARRY WEDEL EXCHANGING INAUDIBLE REMARKS.

Supervisor Janoski, "Is there anyone else present who wishes to address this issue? Anyone who has not yet spoken? Then I recognize you Mr. Fenton."

Jim Fenton, Jamesport, "I just wanted to say one other thing. My first impression in hearing about the hearing and the new code, was that I was hurt. And even when Stan Hagler said get consultants in from outside this area. I mean who are we, Barry and I and the other guys that make signs right in town here? Do you think we're out to get you all the time?"

Councilman Prusinowski, "No. I have to apologize for that comment because I made it...."

Jim Fenton, "I feel very strongly...."

Councilman Prusinowski, "Excuse me. I'm over reacting from the groups coming up here saying we've got to get outside consultants because they can't trust the people in the town because everybody has connections."

Supervisor Janoski, "Mr. Fenton, can you imagine someone in this audience standing up to that microphone, asking who recommended this stuff and me answering; the sign makers of the town? You see the position?"

Jim Fenton, "I don't care though because I make signs in Riverhead Town. Wait a minute. I live in Riverhead Town and it's very important to me to make this town look good no matter what you think. And I think we have a good handle on that process. I know Barry does. He's sincere in what he's doing and I am too."

Supervisor Janoski, "What, in the provisions here, do you object to, specifically in the provisions. Because as I tried to point out before, much of it is there previously existing, the ad-

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

dressings of sizes, setbacks and that kind of thing."

Jim Fenton, "I think it's just too mechanical. I think it's just a cross the board cut and there's no....."

Supervisor Janoski, "Size."

Jim Fenton, "Yes. But I don't mean that you should have the bigger sign. I never said that. I think that you shouldn't be so specific in cutting down that size because then you can't make it bigger. Do you know what I mean? There's no provision for that unless you get a variance which you never get."

Councilman Pike, "Part of it seems to be what you're saying is that there our range of discretion should be wider, that the upper limit should be the same but that (you might) from time to time, exercise discretion. And where it's appropriate, have a smaller sign."

Jim Fenton, "Everything is reviewed by the Board. So that would be the time to cut the size down."

Supervisor Janoski, "That we should have a maximum size established but you can make them smaller if you want. That's what I heard you say."

Jim Fenton, "No wait a minute. I'm in favor of the old ordinance, the sizes from the old ordinance. Now,..."

Councilman Pike, "He's arguing it the other way. If it's 32, we would allow to put it up to 32, if that in fact be appropriate. This way, we're prohibited from anything but 24 and down. And you will end up with nothing but 24 square feet. He's saying you ought to keep the range of discretion that we have from 24 to 32 that this would prohibit."

Jim Fenton, "I just made a sign for the professional center on 58 for the County Seat Professional Center and he's got five buildings there, 22 suites. And the directory for it is 32 square feet, 4 by 8 which gives each suite a very small portion. And to reduce that to 24 square feet, it just becomes ridiculous. Why even bother having a sign?"

Supervisor Janoski, "I don't know if that's applicable in this situation because a directory sign is completely different."

Jim Fenton, "Yes, but it's for a professional center which fell under the 32 square feet ordinance. That's what I was told by the Building Department."

Supervisor Janoski, "Brenda, is directory sign addressed separately? What are the provisions for a directory sign?"

PUBLIC HEARING Continued

Brenda Filmanski, "It can't be more than 10 feet tall. Directory signs for shopping centers, the shopping center shall as a whole, be allowed one free-standing directory sign on the premises to be used for the exclusive purpose of notifying the public of the names of the various business establishments located in the shopping center. Each business establishment name shall occupy no more than six square feet in total area."

Supervisor Janoski, "So that allows more than the directory sign. It's a multi-facility."

Jim Fenton, "That is business property. And I was told by Mr. DeLuca that 32 square feet was the total square footage that we were allowed."

Supervisor Janoski, "My view would be that it is a multi-tenant facility. So that you would fall under...."

Jim Fenton, "Now where does that leave us? Are you telling me that a sign went up? I don't know how adequate it's going to be as far as directing people to where they want to go."

Supervisor Janoski, "That's a pretty clever device because reviewed it and approved it. It's colored coded."

Jim Fenton, "A lot of thought went into it because of the limitations but now you're telling me that possibly it could have been done better. I don't know."

Supervisor Janoski, "Well, one of your criticisms is that this is too specific. And specificity which came out of Watergate, helps the individual who is going to plan a sign so that he knows exactly what it is that the rules and regulations say."

Jim Fenton, "Yes, but there's no room for different aspects."

Supervisor Janoski, "Size. Size is the question here."

Jim Fenton, "Yes. Yes."

Supervisor Janoski, "Fine. Say it."

Jim Fenton, "The original reason I came up the second time was because I do feel strongly that we do have an interest in our town and its sign code. And I really think we should have been consulted or just asked our opinion or whatever."

Supervisor Janoski, "You are being consulted as we speak. That is the purpose of this hearing."

Jim Fenton, "No. I mean in the original establishment of it."

Supervisor Janoski, "I understand very clearly. That's why we have this here so you can tell us. And if I had to boil down everything that you and Barry said, and some other minor things but you object to the reduction of the maximum size of signs allowed in the proposal."

PUBLIC HEARING Continued

Jim Fenton, "And one other point is that; I've worked with Townscape myself. I just would like to say that I'm not a large scale proponent of size. To me it's the principle of it. I don't think you should cut the size down any more than it is because it's not used to that extent now."

Supervisor Janoski, "Ok. Thank you."

Bernard J. Gorman, S. Jamesport, "I'm a relatively newcomer to this area and I applaude your efforts to control signs. This Board certainly has the authority to do that. And I don't think any business person has the right to put what ever kind of a sign he wants out in front of his premises. I don't think that's in the public interest. I applaude what you're doing and I urge you to control the signs."

Supervisor Janoski, "Barry. Is there anyone else who hasn't spoken who wishes to address the Board?"

Barry Wedel, "Just one other thing. Are we here for the purpose of saying yes or no to this thing?" Or are we suppose to pick it apart, page by page, line by line and say this is no good. I don't feel this is right."

Supervisor Janoski, "What I would prefer you do Barry, if you want to address it line by line, is that you perhaps, want to write it or you might want to come in and speak with our people on the Planning Board."

Barry Wedel, "Well, I've offered to do that but I haven't been invited. Joe, just one thing I want to see. On the first page here which really tickled the hairs on the back of my head. It says here; certain signs prohibited. Now, we do have a business area. We're trying to draw people in from Southampton, Southold, and other areas to do business with our vendors in the Town of Riverhead. And number eight says under certain signs prohibited, interior lit light-box type signs. All wood signs? No lights? Turn the lights out?"

Councilman Prusinowski, "Does that apply in all zones?"

Barry Wedel, "Certain signs prohibited."

Councilman Prusinowski, "Across the board?"

Barry Wedel, "Billboards, flashing and moving signs, mobile signs. And then it says interior lit, light-box type signs. I don't know who is responsible for that but I think it's certainly irresponsible."

Councilman Pike, "Where is that? Cross that out because that is a controversial one that we had those signs."

Barry Wedel, "You have shopping plazas all over the place."

Councilman Pike, "Right. We sure do."

PUBLIC HEARING Continued

Barry Wedel, "What are people going to do? Worry about walking out of their car because they can't see the name of the place, where they're walking, what they're going to see."

Councilman Pike, "It doesn't prevent lit signs. It prevents interior lit signs."

Barry Wedel, "Alright. What are you proposing Mr. Pike."

Councilman Pike, "I'm just trying to understand your objection."

Barry Wedel, "I know what we can provide. What do you propose? You probably one of the ones who designed this ordinance."

Councilman Pike, "Absolutely not and I'm only trying to understand your objection."

Barry Wedel, "Ok. Give me what you propose."

Councilman Pike, "My point to you is this; I'm trying to understand what your objection to prohibiting some of the signs that were... What is the new one?"

COUNCILMAN PIKE AND BARRY WEDEL SPEAKING SIMULTANEOUSLY  
CREATING AN UNDECIPHERABLE CONVERSATION.

Councilman Pike, "I want to give you a specific example and see whether you think that sort of sign ought to continue. Party House, remember that place, interior lit?"

Barry Wedel, "But did the Board of Review okay that sign when the sketch came before the Board?"

Supervisor Janoski, "It never had the opportunity because it was..."

Barry Wedel, "It was prior to this. It was either prior to this or it was illegal."

Councilman Pike, "Ok. That's an interior lit sign."

Barry Wedel, "If I give you a sketch, I hope... You've never declined one that I've given you and I didn't do Party House. That is why the Board of Review is there. That's their job, not mine."

Councilman Pike, "Ok. You're saying that tastefully designed interior lit signs should be allowed?"

Barry Wedel, "Why not?"

Councilman Pike, "Fine. I just wanted to be clear there."

Barry Wedel, "Brenda and I went through this with Aboff's. Right? Ok. And they're in a shopping plaza and everything else is internally luminated, Cheap John's. Everything else is internally illuminated. We try to do it tastefully but you've got to stay

PUBLIC HEARING ContinuedBarry Wedel, Continued

with what's there. You can't say to the guy; you have to put a wood sign up because everybody else has internal illumination. And I think that..."

Councilman Prusinowski, "Barry, I guess that's saying across the board. I didn't pick that up but I'm glad you did because I know in some zones like country rural, we have prohibited interior lit signs but I was not aware that this was going across the Board over all the retail areas like that."

Barry Wedel, "Vic, it's page one."

Councilman Prusinowski, "Ok. Well then, I missed it. I guess I went right over that."

Barry Wedel, "You tried to put directory for these plazas, Peconic Plaza, Riverhead Plaza. We've got a lot of illuminated signs. People go shopping there in the middle of the winter at 5 or 6 or 7 o'clock at night. They won't know where they are. You got to... There's a little bit to be desired. That's all I wanted to say. We tried, Vic. I've been in business in Riverhead, my father and I, for over 35 years."

Councilman Prusinowski, "I think the Board is going to ask you to come in and talk to us about this thing. We're not voting on this right away."

Supervisor Janoski, "Barry, I just want to say one thing. No one really questioned your intent because I think I referred to you the other day, as a premiere sign maker. But yesterday someone raised the question of this evening; besides the sign they put up illegally, they came in with a ten by six foot sign. It was ninety square feet, whatever the dimensions were. Nine by ten, I guess that would make sense which was a large drawing of Neptune with his trident and the word Neptune which was a universal vote by the Town Board that said absolutely no way. But then, when we objected to this, they came back with crossing out Neptune the God, the figure and just leaving the word Neptune on this great big sign surrounded by all this white space on the bottom. Everyone does not work in the best interest of their client and the town at the same time and that's what we're really trying to do is to protect the best interest of the town, recognize the right of the business and the need for them to advertise and identify themselves and come to some kind of balance."

Barry Wedel, "Well, I understand that Joe. And let's go back to Neptune Diner. I did the faces for Neptune Diner on that. It's a six foot by ten foot sign. The one that was up there prior to last week. The sign was under the grandfather clause is what we were concerned with. The sign was there since prior to zoning. We refaced the sign. The man came in. He was told that he was in violation, that he had to get a building permit for that sign. It was no longer under the grandfather clause because we repainted that sign. The man

PUBLIC HEARING ContinuedBarry Wedel, Continued

came in, he was denied because it was non-conforming. Ok. Even though it's prior zoning, they would not allow him to put the new copy which was already done which I haven't gotten paid for because it was my fault that the town did not give the man the permit. I was supposed to take care of that. Anyway, that sign is gone, that's passe, that's history, that's goodbye. Now you've got a piece of junk up there. The reason the piece of junk is up there is because when the man wanted to do his diner over, he had to conform with every d--- thing. Take that big sign down that's been up there for how many years."

Supervisor Janoski, "Actually he did not."

Barry Wedel, "I was told he was."

Supervisor Janoski, "Well, we negotiated with him and the deal was; that in six months the sign had to come down, negotiated."

Councilman Prusinowski, "Well, I'll tell you. No, we didn't negotiate anything in the sign ordinance Barry."

COUNCILMAN PRUSINOWSKI AND BARRY WEDEL SPEAKING SIMULTANEOUSLY  
CREATING AN UNDECIPHERABLE CONVERSATION.

Councilman Prusinowski, "Excuse me, Barry. Let me finish now because I didn't particular like what you said, the deal. First of all, the man started the job without a building permit and the building department, stopped him after other merchants on Route 58 complained. Especially new owner across the street who complies and gets building permits in this town. He says; hey, if I have to get a building permit, he's got to get a building permit. He came in here pleading, I have got to get my restaurant going. I'm a businessman. This season is coming, blah, blah blah. The thing is, he's from Brookhaven Town and he never had to get a building permit. They just said..... And they started without a building permit. Part of the deal was, hey, I'm a little strapped on money, blah, blah, blah. Can you work with my on the sign? We said no problem. You have six months to get a new sign. You don't have to take that sign down. And he said, fine, thank you very much. I'll do it. But I did tell him; when you do take the sign down, don't order your new sign because we make you sign a receipt now because you have to get the permit first. You have to get a permit for the new sign. Don't worry about it. Well, the next thing I know, sure a deal is a deal. We didn't really put it in writing. We did, thank you. Thank god we did put it in writing. We were being kind of helpful to the businessman. And he probably told you a different story and the next thing you know, he just totally disregarded us and tore the sign down, blah, blah, blah. So that's why we have...."

Barry Wedel, "I'm sure one of his neighbors didn't complain."

Councilman Prusinowski, "They did."

PUBLIC HEARING Continued

Barry Wedel, "Firestone?"

Councilman Prusinowski, "It's not a question of who complained. The fact is, that he started the job without a building permit and we tried to help."

Barry Wedel, "I said my peace."

Supervisor Janoski, "Thank you. Yes sir."

Councilman Pike, "Barry, you were going to give us something in writing, right? Line by line."

Mr. O'Neil, "Victor, you made a remark a few minutes ago about the country rural. What does that have to do with the lit signs and the portable signs now that the zoning has changed with in those areas? Isn't the grandfather clause still in effect?"

Supervisor Janoski, "If you have, in the area of Jamesport and Aquebogue, which has recently changed to the business "C-rural zone", and internal lit sign, that sign is grandfathered and can continue. If you change your sign, then the new regulations go into effect which prohibit internally lit signs from the business "C-rural" zoning."

Mr. O'Neil, "Like my portable sign would still be considered legal?"

Supervisor Janoski, "Well, I have asked you if it's legal. I can't say that it's legal."

Mr. O'Neil, "No. I had that sign I would say before most of you ever got in office.. That's an old sign."

Supervisor Janoski, "That does not qualify as being legal."

Mr. O'Neil, "I purchased that sign when I purchased the property. So that's 20 years ago. Is it or isn't it legal?"

Supervisor Janoski, "If it is legal today, it is legal. Eddie."

Edward Goodfield, "I just wanted to point out that the problem is you layman are deciding what kind of signs should be used by the business people and you have no comprehension whatsoever of how a business is run or what the needs of the businessman are. You do not realize the one main thing that you're overlooking is the fact that not every business is the same. Each business has a different requirement. The restaurant business has a different requirement than my business. The automobile business has a different requirement. So you can not regiment all these businesses and require them all to conform to the same type of signs. This way, there's no distinguishing a restaurant from an automobile dealership or a drug store or any other kind of store."

PUBLIC HEARING Continued

Supervisor Janoski, "You know that's not fair Eddie, because your place, Edwards Sporting Goods, I know pretty d--- well what you're selling. When I go by the Neptune Townhouse, I'm pretty sure that's a restaurant. Peconic Bay Motors, I'm pretty sure they sell cars there. We're not saying they all should be the same but we are trying to establish the fact that.... Really, a perfect example of a sign that motivated some change here and it was the business downtown that put up a canvas sign called the Satellite Connection. There was a little reaction to that sign about it perhaps not being very attractive. And when that happened, that was the sign that motivated review of each sign by the Town Board. Now is it our job...."

Edward Goodfield, "But maybe the guy that objected to it, had a sign that I didn't like. I mean, who is to say... We're not trying to please other people. We're trying to please ourselves and we're trying put up a sign that we think is going to attract attention and business. We're not trying to put up a sign to please you or Robert Pike, Lou Boschetti."

Supervisor Janoski, "Let's take a look at Meineke Muffler. When their proposal came in, the entire front of the building was a sign and it was a great big smiling muffler in black, yellow and white. Now, what did the Town Board do? The Town Board said absolutely no way. Now, when you drive by there, do you have any trouble identifying Meineke Muffler and what they do there or finding them?"

Edward Goodfield, "The thing is, there are certain businesses like McDonalds. You had a problem with McDonalds. Now, McDonalds uses the same sign throughout the country but you forced them into using a smaller sign and putting it lower in height."

Councilman Lombardi, "Could I cut in on that one. McDonalds, when they came in for a drive-in window, they had suggested that they were going to take down the sign and put a smaller sign like they have in Southampton. They made the suggestion. They wanted a drive-in window. And I want to just saying something to you right now. How do you feel about the sign ordinance that we have at this time? Do you feel that the Town Board has been doing a good job with the old sign ordinance or should we need a new one?"

Edward Goodfield, "No. I don't think we need a new one."

Councilman Lombardi, "Ok. That's all I want to hear."

Supervisor Janoski, "What's in the old sign ordinance?"

Councilman Lombardi, "That's what I'm trying to find. What is changing in the sign ordinance? Why have this if we don't need it? We got a sign ordinance that has been there. What are we creating? Are we bringing it down to four feet? I don't know. Let's go on with the public hearing. I'm here to listen."

PUBLIC HEARING Continued

Ann Miloski, Calverton, "I would like to second John Lombardi on what he said just now and I happen to think our sign ordinance is doing a very good job and I think Mr. Prusinowski said that just a while ago when he said since 1979 that he likes the way the Town of Riverhead looks. And Mr. Pike, there is one question I would like to ask you. You said that most of the citizens of the Town of Riverhead want this new sign ordinance but all the business people are out here. Well, why don't we take a vote of the people here and see who wants the new sign ordinance?"

Councilman Pike, "Before you misconstrude what I said, I said that the people of this town want controls on development and they want control on commercial activity. I did not specifically put this particular ordinance up to... Actually, I was responding to some comments about what I was saying about controlling landscaping and whether we could (in fact) control signing. If we are congratulating ourselves on our current good ordinance, I mean that's one of those things that I would be supporting too because clearly, that does regulate what we do. Whether this needs improvements, is obviously open to debate. Why don't we continue that debate."

Ann Miloski, "The other reason that I am so emphatic on this is because when the other sign ordinance was brought into effect, we were the first ones to receive a summons on having a non-conforming sign and that's when we have to go and get that grandfather clause put in."

Supervisor Janoski, "The original sign ordinance did not provide for a grandfathering of pre-existing signs. Is there anyone else who wishes to address the Board on the proposed revision of the sign ordinance? That being the case and without objection, I declare the hearing closed and also declare a recess until the hour of 9:45."

8:30 PUBLIC HEARING CLOSED AT 9:33

TOWN BOARD MEETING RECESSED AT 9:33

TOWN BOARD MEETING RECONVENED AT 9:54

Supervisor Janoski, "The meeting will return to order and the Town Clerk will read the notice of public hearing."

PUBLIC HEARING - 8:50 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, June 30, 1987 at 8:50 p.m. to hear all interested persons regarding: Amendment to Section 101-3(B) of the Town Code by changing the Yield Sign at the intersection of Deep Hole Road and Middle Road to a Stop Sign.

Supervisor Janoski, "Is there anyone present wishing to address the Board on the proposal to change this "Yield" sign to a "Stop" sign? That being the case and without objection, I declare the hearing closed."

8:50 PUBLIC HEARING CLOSED AT 10:09

Supervisor Janoski, "Now we will proceed with the hearing on the proposal to add a residence "D" zone to the zoning ordinance. Irene."

PUBLIC HEARING - 8:40 p.m.

I have affidavits of publication and posting that a public hearing will be held on June 30, 1987 at 8:40 p.m. to hear all interested persons regarding: Amending the Zoning Ordinance, Section 108 by adding a Residence "D" district, 108-20.1

Supervisor Janoski, "Thank you. Brenda."

Brenda Filmanski, "This would be a new residential zone with limited allowed uses within the zone. It is pretty much the same as residence "C" but there will be no special permits allowed. This new district is to be applied in the area of Jamesport."

Councilman Pike, "To what extent is the current proposal consistent with the outline recommendation that was given to us by the civic association. Are there any areas where it's substantively different than that? Could you point that out if there are any?"

Brenda Filmanski, "This is the proposal of the civic association in the allowed uses and the lack of special permit uses. They noted that the zoning district schedule was, to their mind, the same as for the residence "C" district."

Councilman Pike, "I'm just.... You didn't add or subtract anything. You just tried to..."

Brenda Filmanski, "No. We just specified that the requirements in residence "C" where they just stated the same as for residence "C"."

Councilman Pike, "Was this draft circulated among them or just internally before it went to hearing?"

Brenda Filmanski, "This draft is a formalized version of what they presented.. It's in the format of the Town Code, but it is their code."

Councilman Pike, "Their last contact with it on an informal basis, was their own recommendation, not this specific code? I just want to know how familiar they are with the details because some of them are new to me. They didn't write this code did they?"

Supervisor Janoski, "Sure they did. They didn't write this code in a formal way but they made the specific recommendations for the permitted uses, the exclusion of special permitted uses and the carry over of all of the provisions of residential "C" as far as setbacks, sideyard and that type of provision. But their proposal was quite short in four permitted uses and the exclusion of special permitted uses. And then of course, a simple statement that residence "C" should be carried over but we formalized it in writing.

PUBLIC HEARING ContinuedSupervisor Janoski, continued

And we have the president of the civic association here."

Bill Welch, Jamesport, "Good evening gentlemen. This proposal is essentially what we had proposed. It has its origin and concepts that were addressed by our civic association, zoning review committee, (as you know) over the course of '86. This present Town Board was instrumental in encouraging our area to decide what kind of community we wanted and we've tried to keep you advised as our planning processes continued. Our association zoning review committee met as a group ten times with either themselves or the Board's code revision, zoning and planning committee as our recommendations developed step by step. And what we have here tonight and think we pretty well understand this is a proposal which seeks to accommodate the needs of the community which is not largely residential and yet is still zoned for business. We're not saying that residence "D" may only be appropriate for South Jamesport. It is possible other sections of other hamlets in the town may find something useful in this. "D"; as we've heard, is essentially a more restrictive zoning category than current residence "C". And the uses that are excluded in "D" were felt to require more space than likely would be available in our area or any other hamlet area. It has this background of community input and we believe it's worthy of incorporation into the Town Code. I do have one question in the proposal. In the area, designated lot area and it comes up again in living area. There's a heading; conversion to two-family dwelling and then no specific requirements after that. In residence "C"; the last I had seen, this had been repealed. These two sections referring to two-family dwellings had been repealed some time in the seventies. It's just here now showing up now with a different purpose."

Supervisor Janoski, "Brenda will answer your question. But I believe during some of the meetings that were held, that there was a desire of some people in South Jamesport and Jamesport community to allow for multi-family dwellings."

Bill Welch, "I remember that process."

Councilman Pike, "There was two drafts. One had it in there and the later one excluded it."

Supervisor Janoski, "Your position is opposed to the inclusion of it."

Bill Welch, "Right. Single-family residences is the use we're trying for."

Councilman Lombardi, "What's there right now is single-family residence. Is that correct? You want the same that's there now, single-family."

Bill Welch, "Right."

Councilman Lombardi, "Aright. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Did you want to add anything? Is there anyone else who wishes to be heard? Yes sir."

Bernard J. Gorman, Jamesport, "I'm president of the Great Meadows Property Owners Association. This is an organization that represents the homeowners on Tuts Lane and Dougs Lane which is east of South Jamesport Avenue and south of Peconic Bay Boulevard. This area is adjacent to a bulk of the homes in South Jamesport area. This is almost exclusively residential and primarily one-family homes. The residence "D" zoning (I believe) would recognize the present nature of development and I think it would be an appropriate zoning for any area in which one-family homes predominant. As a result, I urge the Board to adopt this addition to the Town Code. Thank you."

Supervisor Janoski, "Thank you. Let me just say that if the code is finally adopted and made part of the zoning of the town, then there would be a further process that we would go through for implementation. And that would be, of course the putting it in place in South Jamesport. Is there anyone else who wishes to be heard on this proposal? Yes sir."

Gordon Leuthwaite, Jamesport, "We have a summer home in the old Jamesport Campground area. I had a couple questions about that. Would the old campgrounds always be included in this area of proposed new zoning?"

Supervisor Janoski, "It's possible."

Gordon Leuthwaite, "We are presently having a problem because those cottages which were set up 100 or more years ago and are definitely non-conforming. The lots are very small and if we try to do anything, we run up against the zoning requirements which have no application at all."

Supervisor Janoski, "What is the present zoning? I think it's industrial. It's non-conforming right now then."

Gordon Leuthwaite, "That's right. It effects my family. We have a cottage which we inherited from my mother and we wanted to do something with it and we wanted to move it onto another slat and there's no way we could meet the zoning requirements with that structure. We're really in a bind. We don't know what to do. And we're not sure how this proposal would effect us in that area."

Supervisor Janoski, "Basically not at all because you are right now, a pre-existing non-conforming use. The only area that this new zoning addresses is the areas specifically of specially permitted uses. That's the most important aspect of this. They're under residence "C", for example, you are allowed condominium development by special permit and there are a number of other special permitted uses. This "D" does not contain those. But most of the requirements, in fact, all of the requirements in residence "C" are carried over; lot size, size of the structure itself. So that really, your situation will not change at all except that you will be a pre-existing non-conforming use in residence "D" instead of residence "C". I also understand that you felt it was a little chilly in here."

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

This is an automatic system and there's no way we can do anything right now."

Gordon Leuthwaite, "You mean when the computer goes bad, you're in trouble."

Supervisor Janoski, "Well, it's a thing I absolutely forbid anybody to touch because everytime they do, we have to then call in a repairman which costs us a great deal. It is automatic and I don't like anybody fooling with it."

Gordon Leuthwaite, "Ok. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to address the question of the addition or the creation of residence "D" in the zoning code of the town?"

Betty Brown, Jamesport, "Earlier, Brenda Filmanski mentioned that the town recognized their obligation concerning esthetics and protection of the character of the community when discussing the security doors. We, as individuals also recognize our obligation to the community and to each other. Our roads are small, our water is questionable. The continued quality of life in Jamesport and South Jamesport is dependant on residential zoning. In the past, the residents have become alarmed when hearing that developers want to build condominiums and business use developments. It was my understanding that we would have an opportunity to explain this restricted residential use to the Planning Board before they voted to agree with it or not to agree with it. We did not have that opportunity. I'm not sure they understood the residential use that we had intended for the area. Would there be an opportunity to go back and ask them to take a second look at this proposal as I felt they did not understand the Wading River."

Supervisor Janoski, "Certainly. You could talk to them about that. Really, I don't know what value it is because they are a recommending Board. We will make the decision. And if I'm any judge of anything, this one is going to fly."

Betty Brown, "Then you feel that you would not want to ask them."

Supervisor Janoski, "Well, you can ask them for the opportunity but I don't know to what purpose they have recommended against it but that's all they can do is recommend. And what I'm saying to you is that if I had to bet money as to whether this would be adopted, I would guess that it's going to be adopted. So I'm saying for what purpose. But you could certainly talk to the chairman and ask him if you feel that you want to."

Betty Brown, "No. I just thought perhaps there would be more that we could add when we did not get that opportunity and were promised. I wish you would include the residential "D" zoning into the ordinance. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on this proposed zone? That being the case and without objection, I declare the hearing closed."

8:40 PUBLIC HEARING CLOSED AT 10:07

Supervisor Janoski, "We will now move to the 9:00 p.m. public hearing. Let the record show that the hour of 10:09 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 9:00 p.m.

I have affidavits of publication and posting of a public hearing to be held on Tuesday, June 30, 1987 at 9:00 p.m. to hear all interested persons regarding: Amending Section 47-4(D) of the Town Code, Shellfish Fees.

Supervisor Janoski, "Mr. Boschetti."

Councilman Boschetti, "Thank you. Originally when the Town Board entertained regulating these permit fees, we had inadvertently passed the twenty dollar figure in error. And what we are doing here tonight, is undertaking a public hearing so that we can get input from the public so the Board can then move forward in its attempt to correct the error. And since this is a code change, we are required to hold this public hearing before so doing. So if anyone has any opposition to our changing it back to our original intent, please let us know about it."

Supervisor Janoski, "Thank you. Is there anyone who wishes to address the Board on that proposal? That being the case and without objection, I declare the hearing closed."

9:00 PUBLIC HEARING CLOSED AT 10:10

Supervisor Janoski, "Now, I will recognize Mr. Hagler for some supplementary remarks."

Stanley Hagler, Richard York Shoes, "Thank you for the opportunity to speak. I was unavoidably detained at a meeting and could not get here for this first hearing on 7:30 concerning the rolling and sliding security type grilles. Brenda was kind enough to give me this ordinance. In reading this it says, rolling and sliding security type grilles subject to site plan review. Rolling and sliding, site plan review. Somebody has circled that and put in special permit. I don't know which came first. 358 goes to 359 as the correction."

Supervisor Janoski, "Both were considered by the Planning Board. And I believe they finally recommended site plan review."

Stanley Hagler, "In it, it says rolling and sliding security doors are prohibited on retail building facades. I want to know, first off, a question. Is it grandfathered?"

PERSONAL APPEARANCES Continued

Supervisor Janoski, "Yes."

Stanley Hagler, "Ok. So mine does fall under a grandfather clause."

Supervisor Janoski, "If you replace it with a new one,..."

Stanley Hagler, "Then I would have to get a permit. I would like to know what the parameters are for a permit. Is it esthetics? Is it security? Or is it visual constraints? Is it what?"

Supervisor Janoski, "The major concern here is that there is at this time, as you know, no restriction on the installation of such a door. If you want to put one up, you can put one up which is what you did. Our, I think, over-riding concern from the town point of view is the esthetic part of it. You, of course, look after your own security needs. And what it is an attempt to do is, to put in place an ability that the town could review what is going to put up in our business area."

Councilman Pike, "I just want to continue you on. It seems that what you're asking is under what standards would an application be judged."

Stanley Hagler, "That's one of our questions, yes."

Councilman Pike, "And it would vary depending on whether we use site plan or special permit. Unless we were to change those particular application devices, they would be the very simple standards set forward. Not so simple as in the case of special permit. Actually, they're quite voluminous and there are four major findings you have to make to approve a special permit. In the case of site plan, there aren't a great deal of criteria in the site plan review as it currently exists but it would have to comply with any of them and they are quite different. So I would refer you to them rather than have me spell them out."

Stanley Hagler, "Well, my concern is the esthetics. In other words, what you might seem to feel is esthetically pleasing to your eye, someone else might not. In 1985 I had, as you gentlemen know, five break-ins at Richard York Shoes. We've been in business in that same location since 1938. Many times we went away without even locking the door. In 1985, we had five break-ins. I spoke with you gentlemen personally and privately. I tried to keep it calm. It then went public as to what was happening. The News-Review wrote articles. It is very very disconcerting to me and my wife and my family being woken up at three and five o'clock in the morning to come down and stand guard while the glaziers were able to come down and put a board up and replace windows aside from the cost. I spoke to the Police Department, to Roscoe Palmer. We tried to get security patrol from 6 p.m. to 6 a.m. in the morning. We were promised it. When I say we, I'm speaking of the business people in the community of downtown Riverhead. Not myself in particular. We never got it. The problem always seem to occur during the long month hours, in the summer time. It was vandalism. It was petty theft. But it was totally unnecessary. And I'm looking at this ordinance that may be adopted and you're basically saying to the business community

PERSONAL APPEARANCES ContinuedStanley Hagler, Continued

and we're in society now gentlemen, it's eroding. You may find somewhere down the road, the doctors in the homes that they're buying on Roanoke Avenue unfortunately may have to put steel roll-downs because of the drug problem. Trying to limit steel roll-downs is a band-aid. That's not going to solve the problem. It solves the problem for you but it's not going to solve the problem for the community. After I agonized for a full year over that winter whether I should or should not put steel roll-downs, I decided (as I told Bob) in April of '86 when we had our warm April, a few nice warm nights and I rode downtown. The congregation was congregating in the vestibule of Richard York Shoes and a lot of other places. My son was coming into business and my daughter-in-law was coming into business with me, they said you'd better put the steel roll-downs. I did a lot of investigating over that winter and you can't make these things esthetically appealing. There's just no way. Even if you make them grilles, what you run in to is if someone wants to vandalize, he then takes a steel rod and jams it through the grille and he knocks the window out. He may not get your merchandise. It may look appealing at night if the store owner or the business person decides they're going to let the guy get the best of you. But there is a problem to it. I feel I was born in this town. I came here in 1938. They told me to put those steel roll-downs down. I don't get calls in the morning. Now when I go downtown on a warm summer night, there's less people congregating on Main Street. When I see people, I should quote, the people that have been or would possibly do this kind of damage. There's some hanging around the Pizza Pie Parlor. Now Gubbins has moved downtown Main Street, he has a nice little vestibule and a little bit of ledge. If you go down there gentlemen, on a nice warm night, you'll see the kids around the corner, eating their pizza, drinking their coke, sitting down in Gubbins lobby. One reason, Gubbins lobby is not well lit. This leads me to another problem. The way to solve the problem is not to restrict roll-downs. You're telling the man you can't protect your property. He's not asking you for a gun to protect his property. Joe, you're shaking your head."

Supervisor Janoski, "I think you're misinformed. We're not prohibiting them."

Stanley Hagler, "I know you're not prohibiting them. But the point is esthetics and esthetics can prohibit what the roll-downs will do. If you try to make the roll-downs esthetically appealing, you put a lot of loose siding, you make some grilles and that's the only way you can get around it. I did a lot of investigating on this. The only way to properly secure the property is to make it solid. Now, I have another solution to the problem. Added police protection in all the business communities in Riverhead. And the stumbling block that's thrown up to me when I bring this up, is dollars and cents. That's the problem we can't get added police protection. Gentlemen, you're going to have to look at that before you look at restricting roll-downs. The other thing you're going to have to do is improve the lighting in the business communities. One of the reasons that you will find that you have less vandalism in the shopping centers is because those shopping

PERSONAL APPEARANCES ContinuedStanley Hagler, Continued

centers are brightly lit. And if you remember the summer of last year, there was an article, a very very short one in the News Review complaining about the lighting in downtown Riverhead. This reporter came into downtown Riverhead, a life-time person, resident of the community and it was dark. I mention it for some of you gentlemen. The colonial lights that were put up and pushed through by Townscape are beautiful but the illumination that comes out of those lights is horrible. If you go into Greenport, if you go into the refurbished area of Orlando, Florida or the Seaport or the refurbished area of Baltimore or Washington, D.C. or Allentown, Virginia, (I haven't been there, I can only take places that I know) you will find an amber glow that lights up the entire area. That's how you get people to come back down and walk and shop in your village. If you do that, you will not have to restrict or look for esthetic roll-downs. You won't need them. And I would like to be the first one to take my down because the town is so well lit and I hope that no one will have the problem."

Supervisor Janoski, "Well Stan, you'd be happy to know that we recognize this light problem. The Town Board has requested consulting engineers to do an investigation of lighting downtown. That, pretty much completed that, part of their recommendation is, as silly as this may sound, is that we clean the glass in our colonial. They tell us that that will increase the illumination quite a bit. I have one fellow who works for the lighting district. I don't know how in god's name we're going to get that done but hopefully we can. But they have then specifically recommended areas, recesses really, on Main Street where larger higher poles with more wattage I guess, can be installed and the Board will be considering that in the very near future."

Stanley Hagler, "Well, I'm glad to hear that and I hope you consider what I said about the roll-downs. If you make it an esthetic thing and tell the store owner, a doctor or a lawyer that he must use a grille (as an example) you really haven't solved the problem. Because if they're going to vandalize, the person that couldn't get in, will now get mad that he can't get in and he's going to take a rod and he's going to jam it through. I mean it's not a solution. It's a band-aid."

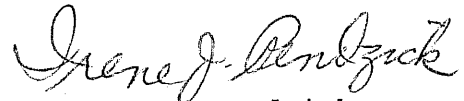
Supervisor Janoski, "The purpose of this hearing is to give people the opportunity to say; do you think it's a good idea. And if the concensus of the Board, after hearing this input is, that they want roll-downs or sliding doors to be unrestricted, uncontrolled, unrestrained, so be it. That's the purpose of this hearing."

Stanley Hagler, "Well, that's why I came. I'm grandfathered. I live here. I would like to see us have no roll-downs. There's a way to achieve that. That's what we have to answer first. Put our efforts there, then we won't have the roll-down problem. Thank you."

Supervisor Janoski, "Thank you Stan. The hearings are over. The Board meeting ended some time ago. So good night."

There being no further business on motion or vote, the meeting adjourned at 10:22 p.m.

IJP:nm

A handwritten signature in cursive script, reading "Irene J. Pendzick".

Irene J. Pendzick  
Town Clerk